

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

GARY GRAY, *et al.*,

\*

Plaintiffs,

\*

v.

\*

Civ. No. JKB-24-0897

THE PHILADELPHIA  
CONTRIBUTIONSHIP,

\*

Defendant.

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\* \* \* \* \*

**MEMORANDUM AND ORDER**

The Court has reviewed U.S. Magistrate Judge Coulson’s Report and Recommendation for Appointment of Umpire dated February 26, 2025 (the “Report and Recommendation”), which recommends that the Court appoint Michael D. Shilling as the umpire for the pending appraisal in this case. (ECF No. 37.) No party has filed any objections, and the deadline for doing so has passed. *See* Fed. R. Civ. P. 72(a); Local Rule 301.5(a) (D. Md. 2023).

The Court agrees that Mr. Shilling is an appropriate choice of umpire, for the reasons stated in the Report and Recommendation. That said, the Court observes that Plaintiffs apparently did not participate in the proceedings before Judge Coulson, which fits into a broader pattern of their failure to meaningfully prosecute this action. (*See* ECF No. 37 at (noting that “Plaintiffs have not actively participated in the litigation”); ECF No. 20 at 1 (noting, as of November 15, 2024, that it “preliminarily appears to the Court that Plaintiffs are no longer meaningfully participating in this action”).)

The Court will not direct Defendant to undergo the expense of an appraisal proceeding if Plaintiffs are no longer willing or able to pursue this action. Instead, Plaintiffs will be required to

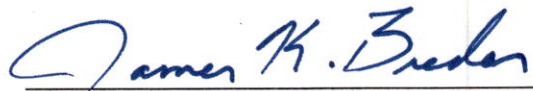
show cause why this action should not be dismissed with prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Montoya v. Thunderbird Auto., Inc.*, Civ. No. 20-732-PJM, 2021 WL 570805, at \*1 (D. Md. Feb. 16, 2021). If Plaintiffs make the requisite showing that this action should not be dismissed, then the Court anticipates scheduling an appraisal, to be umpired by Mr. Shilling.

Accordingly, it is ORDERED that:

1. Pursuant to 28 U.S.C. § 636(b)(1), Judge Coulson's Report and Recommendation of February 26, 2025 (ECF No. 37), is ACCEPTED AND ADOPTED as the findings and conclusions of the Court.
2. Michael D. Shilling is APPOINTED as the umpire for the purposes of any future appraisal to be scheduled in this matter. (*See* ECF Nos. 17, 24.)
3. The deadlines for completion of the appraisal process, set in the Order dated December 11, 2024 (ECF No. 23), are STAYED.
4. On or before Friday, April 11, 2025, Plaintiffs SHALL SHOW CAUSE why this action should not be dismissed with prejudice for failure to prosecute.
5. The Clerk is DIRECTED to mail a copy of this Memorandum and Order to Plaintiffs.

DATED this 21 day of March, 2025.

BY THE COURT:

A handwritten signature in blue ink, reading "James K. Bredar". The signature is fluid and cursive, with the first name "James" and last name "Bredar" clearly legible.

James K. Bredar  
United States District Judge